

**REGULAR CITY COUNCIL MEETING
FRISCO MUNICIPAL COMPLEX
8750 MCKINNEY ROAD
COUNCIL CHAMBERS
FRISCO, TEXAS 75034
5:30 P.M.**

January 21, 2003

MINUTES

1. Call to Order.

Mayor Simpson called the Meeting to Order at 5:30 p.m. and announced a quorum was present. The meeting was duly posted and called to order in a timely manner.

Those present were:

Mayor Simpson
Mayor Pro-Tem Reveal (entered at 6:30 p.m.)
Deputy Mayor Pro-Tem Maso
Council member Allen
Council member Nichols
Council member Lafata
Council member West (left at 9:50 p.m.)

Staff present were:

City Manager George Purefoy
Deputy City Manager Henry Hill
Assistant City Manager Scott Young
Assistant City Manager Jason Gray
City Secretary Nan Parker
City Attorney Richard Abernathy
City Engineer Frank Jaromin
Director of Planning & Development Services John Lettelleir

2. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code

Council member Lafata moved to recess into Closed Session at 5:30 p.m. Council member Allen seconded the motion. Motion carried. Vote: 5-0.

Mayor Simpson announced the City Council was in Closed Session at 5:32 p.m. as authorized by the Texas Government Code, to wit:

Section 551.087. Deliberation regarding commercial or financial information that the City has received from a business prospect and to deliberate the offer or other incentives to a business prospect.

Section 551.072. To deliberate the purchase, exchange, lease or value of real property located:

south of Eldorado Parkway, north of Stonebrook Parkway, east of Teel Parkway, and west of SH 289.

south of FM 3537, north of Rolater Road, east of Preston Road, and west Hillcrest Road.

Section 551.071. Consultation with City Attorney concerning contemplated litigation against a local business.

Section 551.074. Annual Evaluation of City Manager.

3. Reconvene into Regular Session and take any action necessary as a result of the Closed Session

Deputy Mayor Pro-Tem Maso moved to reconvene into Regular Session at 6:35 p.m. Mayor Pro-Tem Reveal seconded the motion, motion carried. Vote: 6-0.

There was no action taken as a result of the Closed Session.

4. Invocation

Father Leon Duesman, St. Francis Assisi Catholic Church offered the invocation.

5. Pledge of Allegiance

Members of the Boys & Girls Club led the audience in Pledge of Allegiance.

6. Citizen Input.

Vince Barnes was present to address the Council and suggested that people volunteer.

7. Reports

The Council reviewed the following reports as submitted by the respective departments:

a) Report on North County Road (Engineering)

Staff Comments: The Meeting between city staff, post office and residents within the North County Road construction limits on Wednesday, January 15, 2003 was conducted to inform property owners of the status of construction as well as address their concerns regarding the construction, access, city services and mail delivery. Attending from the City were George Purefoy, Henry Hill, Scott Norris, Brian Moen, Pippa Couvillion, Hulon Webb. Alan Lewis of Osage Aggregates, the contractor, Les St. John with Hunter Associates, and Donna Simms and Ruth Smith from the post office were on hand to answer any questions.

Council member Allen asked about providing a 4-way stop at 5th Street for the individuals that were getting out from the north and turning east onto Main Street. Mr. Jaromin stated to place a stop sign in that area with stop interruptions would not be advantageous due to the large volumes of traffic traveling on Main. He instead indicated that staff would continue to monitor, and if necessary a police officer would be provided at 5th Street and Main during the two peak times of the day. Mr. Jaromin further indicated that the signal located at North County and Main would be adjusted to provide a longer interval, thus providing a longer window of opportunity for traffic to enter Main Street.

b) Public Works Monthly Report

No discussion.

c) Monthly Financial Report (Administrative Services)

No discussion.

d) Quarterly Update for Asset Management (GIS)

No discussion.

e) Report and update on the screening wall and lighting improvements for Hillcrest Medical Center located at the southeast corner of Lebanon Road and Hillcrest Road. (Planning)

Mr. Lettlier stated that the neighborhood is happy with the final improvements to the wall, and the remaining light shields should be in place by the end of the month. Discussion only, no formal action was taken.

f) Project Status Tracking Reports

No discussion.

g) Update on Communication of 2002-2003 City Council Priority List

Mayor Simpson updated the audience on the priorities that were established at the June Work Session. He stated that each Council member would have copies of the priority cards to provide to citizens. Mayor Simpson stated the cards are to be included in the city employee's next paychecks to update city employees on what the Council's goals/priorities for 2002-2003 for the City of Frisco.

Mayor Pro-Tem Reveal stated that the "Frisco Today" program that premier on Channel 6 was outstanding. Dana Baird stated that the show would be done on a monthly basis until the next production.

Discussion only, no formal action was taken.

h) Update on Tollway Extension from Eldorado Parkway to US Highway 380 (City Manager's Office/SY)

Mr. Young stated that the tollway access roads are now open from Eldorado Parkway to U.S. Highway 380.

8. Consent Agenda

The Consent Agenda was considered for approval. Council member West moved to pull item 8M. Mayor Pro-Tem Reveal seconded the Motion. Motion carried. Vote: 6-0. Deputy Mayor Pro-Tem Maso moved to pull Item V. Council member Nichols seconded the Motion. Motion carried. Vote: 6-0.

Deputy Mayor Pro-Tem Maso moved to approve the Consent Agenda, excluding Items 8M and 8V.

- A) Approval of the minutes of the Regular City Council Meeting of January 7, 2003. (City Secretary)
- B) Approval of award of bid 0211-048 for "Pickup and Cab and Chassis" to Friendly Chevrolet in the amount of \$125,200.00 and Village Ford in the amount of \$25,400.00. (Purchasing)
- C) Approval of award of bid 0211-50 for "Trailer Mounted Vacuum Excavation Unit" to E.H. Wachs Co., for the Public Works Department in the amount of \$30,780.00. (Purchasing)
- D) Adoption of Resolution **No. 03-01-11R** of the City Council of the City of Frisco, Texas, amending the terms of a boundary adjustment Agreement with the City of Plano. (Police)

- E) Approval of Payment Number 14 to Site Concrete in the amount of \$46,392.68 for work completed on Eldorado Parkway (00105). (Engineering)
- F) Approval of Payment Number 11 to Gracon construction in the amount of \$44,952.12 for work completed on a water reuse line (00109). (Engineering)
- G) Approval of Payment Number 2 to Site Concrete in the amount of \$66,405.00 for work completed on Coit Road (00103). (Engineering)
- H) Approval of Payment Number 18 to Mario Sinacola & Sons in the amount of \$579,632.88 for work completed on Frisco Square Phase 2 (01100). (Engineering)
- I) Approval of payment of Number 6 to John Burns Construction in the amount of \$100,790.25 for work completed on sanitary sewer improvements (02610). (Engineering)
- J) Approval of Payment Number 6 to JG Builders in the amount of \$35,529.99 for work completed on the Downtown Parking Lots (02151). (Engineering)
- K) Approval of Payment Number 10 to Frisco Industrial Partners in the amount of \$71,538.20 for work completed on Eldorado Parkway Extension to FM 2934 (02155). (Engineering)
- L) Approval of Payment to QTE Group in the amount of \$4,873.75 for work completed on Frisco Square (01100). (Engineering)
- M) **Adoption of Resolution No. 03-01-12R therein adopting the Frisco Sports Council By-Laws. (Parks and Recreation)**

The Council discussion the Frisco Sports Council By-Laws. Following discussion, Council member West moved to adopt **Resolution 03-01-12R** therein adopting the Frisco Sports Council By-Laws subject to the following changes in the By-Laws:

- a. Definition of *general membership*.
- b. Each organization shall have, and keep current, an annual budget (any amendments thereto) that has been approved by the "Parks and

Recreation Board” rather than the general membership of the organization.

- c. The Sports Council shall have its regular meeting on the second Wednesday of every other month at 7:00 p.m. with the addition of an agenda item “Citizen Input”.

Mayor Pro-Tem Reveal seconded the Motion. Motion carried. Vote: 6-0.

- N) Approval of Professional Services Payment to Newman, Jackson, Bieberstein Landscape architects, Invoice 140007 in the amount of \$2,367.98, for the Trails of Frisco Neighborhood Park. (Parks and Recreation)
- O) Approval of Professional Services Payment to Carter-Burgess, Invoice 1579747 in the amount of \$4,276.61 for the Comprehensive Parks Master Plan. (Parks and Recreation)
- P) Approval of Professional Services Payment to Carter-Burgess, Invoice 1581933 in the amount of \$6,360.38 for Construction Documents for McKinney Road Park. (Parks and Recreation)
- Q) Approval of Professional Services Payment to Carter-Burgess, Invoice 1581936 in the amount of \$448.53 for the Southeast Community Park Master Plan and Cost Estimate. (Parks and Recreation)
- R) Adoption of **Resolution No. 03-01-13R** therein endorsing certain legislative changes to Senate Bill 7 supported by CAPP. (City Manager’s Office/KH)
- S) Approval of tax refund over \$500.00. (Tax Department)
- T) Approval of Pay Advance Number 15 in the amount of \$5,320,346.97 to H.C. Beck, Ltd. for Sports Complex improvements. (City Manager’s Office/SY)
- U) Approval of payment of Invoice Number 425-08 to Hunt Construction Group in the amount of \$39,354.00 in accordance with Owner’s Representative Agreement. (City Manager’s Office/SY)
- V) **Approval of an Agreement by and between the City of Frisco and RADCAM Digital for DVD Publication and Duplication Services and adopt Resolution No. 03-01-14R therein authorizing the City Manager to execute the Agreement. (City Manager’s Office/JG)**

Council member Allen moved to adopt **Resolution No. 03-01-14R** therein authorizing the City Manager to execute an Agreement by and between the City of Frisco and RADCAM Digital for DVD Publication and Duplication Services. Mayor Pro-Tem Reveal seconded the Motion. Motion carried. Vote: 6-0.

END OF CONSENT AGENDA

9. Legislative Agenda

The Legislative Agenda was considered for approval.

Deputy Mayor Pro-Tem Maso moved to adopt **Ordinance No. 03-01-02** therein amending the Subdivision Regulation Ordinance to prohibit the use of Certificates of Correction. Council member Lafata seconded the Motion. Motion carried. Vote: 6-0.

END OF LEGISLATIVE AGENDA

10. Public Hearing: Involuntary Annexation Case IA2002-0025 - Second public hearing for citizen input regarding the involuntary annexation of 1.300 acres, more or less, located on the west side of Preston Road, 400+ feet south of Fisher Road in the John W. Cox Abstract No. 159, owned by Tony L. and Marianne K. Callaway. Applicant: City of Frisco. (Planning Dept.)

Mayor Pro-Tem Reveal opened the public hearing. Council member West seconded the motion, motion carried. Vote: 6-0. The Service plan was available for public inspection. The property is contiguous to the existing city limits, is within the ETJ of the City of Frisco and is eligible for annexation.

Tony Callaway was present to address the Council speaking in favor of the request.

There being no one else present to speak for or against the request, Mayor Pro-Tem Reveal moved to close the Public Hearing. Council member Lafata seconded the Motion. Motion carried. Vote: 6-0. No action taken pending the adoption of the ordinance.

11. Public Hearing: Zoning Case ZA2002-0028. A request to amend the Comprehensive Zoning Ordinance to establish standards for Alternative Subdivision Design for properties zoned Single Family-4, Single Family-5 and other properties where Single Family-4 and Single Family-5 are permitted and not in conflict with the proposed standards. Applicant(s):

City of Frisco. Approval to instruct staff to prepare an Ordinance on the above request. (Planning)

STAFF COMMENTS: “At the December 18, 2002 Planning & Zoning Commission meeting, the Commission approved the Alternative Subdivision Design ordinance amendment, however, wanted staff to engage in further discussions with the Building Inspections Division and Fire Department regarding the side-yard setback requirements. As proposed, the ordinance would allow one-story and one-and-one-half-story homes to maintain a five-foot side yard setback. Homes of two-stories or greater would be required to maintain the seven-foot side-yard setback as required in the Single Family-4 and Single Family-5 development standards. The Commission wanted staff to investigate the possibility of adding a height requirement (in feet) to the story requirement because the Planning & Zoning Commission was concerned that someone may construct a one-story building at the maximum allowable height of 40-feet, utilizing a five-foot side-yard setback. The Planning & Zoning Commission asked staff to review the changes and continue with the case to City Council.

The current definition of story in the Comprehensive Zoning Ordinance calls out the average height of a story as 12-feet. This does not include parapets, gables, or other normal roof structures, just the interior space of a building measured between the floor and the ceiling above it. Staff has a concern with creating an overall height requirement for single-story dwelling units. The creative opportunity for varied roof heights and pitches may be limited if the overall building height is limited. However, in further discussions with the Fire Department, additional requirements should be added when the side-yard setbacks are reduced to five-feet. Specifically, adding requirements that no structural features (i.e. bay windows, window boxes, etc.) would be allowed to encroach into the setback. The five-foot side-yard setback should also be limited to single-story homes and should not include story-and-one-half homes. Therefore, staff is recommending that the ordinance amendment for the Alternative Subdivision Design be approved.”

Michael Walker, Senior Planner reviewed his comments with the Council and the audience.

Mayor Pro-Tem Reveal moved to open the Public Hearing. Council member West seconded the Motion. Motion carried. Vote: 6-0.

Paul Caduro, Dallas Homebuilders Association, was present to speak in favor of the request. He stated that this is a great step in the right direction and is a great effort of regional planning.

Michael Osuna was present to address the Council regarding concerns about lot diversity and open space. He voiced concerns about the proposed side-yard setbacks and the proposed minimum size of the homes. He stated that the City had five-foot side yard setbacks and they had felt the need to change to a seven-foot side yard setbacks approximately 10 years ago. Mr. Osuna stated that he felt that the amendment of the Subdivision Ordinance was taking the City backward rather than forward.

Mark Pitts was present to address the Council speaking against the Alternate Subdivision Design. He stated that he did not want to see 1000 sq. ft. homes with five-foot side yard setbacks in the City of Frisco.

There being no one else present to speak for or against the request, Deputy Mayor Pro-Tem Maso moved to close the Public Hearing. Mayor Pro-Tem Reveal seconded the Motion. Motion carried. Vote: 6-0.

Director of Planning John Lettelleir stated the concept is to give developers different alternatives. He reiterated the ASD is voluntary.

Following discussion, Deputy Mayor Pro-Tem Maso moved to **table** the item for the February 1, 2003 work session dependent upon the items currently on the work session agenda. Council member Lafata seconded the Motion. Motion carried. Vote: 6-0.

Mayor Pro-Tem Reveal amended the motion to continue the public hearing and table the item. Council member West seconded the amended motion. Motion carried. Vote: 6-0.

12. APPEAL: Public Hearing: Zoning Case Z2002-0024. A request to rezone 20.0± acres on the north side of Fisher Road, 420± feet west of Preston Road from Multifamily-2 to Two Family (Duplex). Neighborhood #11. Applicant(s): Douglas Properties, Inc.. Approval to instruct staff to prepare an Ordinance on the above request. (Planning)

Director of Planning John Lettelleir requested the item be tabled to allow for the notification of property owners within 200' of the zoning request.

Deputy Mayor Pro-Tem Maso moved to **table** the item. Council member West seconded the Motion. Motion carried. Vote: 6-0.

13. Approval upon approval of a Resolution authorizing the City Manager to execute an Agreement by and between the City of Frisco and RAMTeCH Software, Inc. to perform a GIS data conversion project. (GIS)

Perry Harts was present to address the Council regarding the RAMTeCH Software, Inc.

Following discussion, Mayor Pro-Tem Reveal moved to adopt **Resolution No. 03-01-15R** therein approving and authorizing the City Manager to execute an Agreement by and between the City of Frisco and RAMTeCH Software, Inc. to perform a GIS data conversion project. Council member West seconded the Motion. Motion carried. Vote: 5-0. (Council member Allen had stepped away from table, but not due to a conflict).

14. Approval upon approval of a Resolution adopting the Information Technology Master Plan. (City Manager's Office/JG)

Staff Comments: We are at a point where the citizen committee and staff are recommending approval of the Information Technology Master Plan. It should be noted that adoption of the Plan does not signify that the City Council intends to implement every potential aspect of the plan, but rather that the Plan be considered a guiding document in our efforts to affect the delivery of advanced telecommunications within the City of Frisco. Specifically, the citizen committee and staff recommend detailed review and possible implementation of the following five major area recommendations in the Plan:

a. Infrastructure

i. Home Networking

1. Establish residential construction standards for structured wiring for data connectivity
2. "plug and play" environment in the home for data similar to telephone and cable TV services today
3. Utilize existing technical standards for wiring, jacks, etc.
4. Work with developers to establish standards
5. Standards to include physical wire standards, data jack type and placement, conduit with spare subducts, home wire closet, connection to wire line and wireless network services
6. Cost to be borne by contractor and included in price of home
7. Certify local electrical contractors (data specialization)

ii. Distribution Utility/NAP

1. Establish residential development standards for distribution facilities and neighborhood access points (NAP) for service providers
2. Move to "public utility" hybrid model for voice/video/data communications services
3. Work with developers and service providers to establish standards
4. Standards should support 100% broadband coverage, spare capacity for future technology, NAP access for all service providers
5. Majority of cost shared by developer and service providers
6. Promotes service provider competition and introduction of new services

iii. Wireless Overlay

1. Implement a City – wide network coverage plan for mobile and fixed (broadband) wireless services
2. Mobile coverage – construct towers in accordance with Millennium plan, encourage shared use by service providers

3. Fixed coverage – utilize publicly held land to plan out a grid of shared use towers in an optimal pattern of micro-cells (see ITMP for detail)
4. Regulate construction of towers in accordance with plan, and to meet aesthetics criteria
5. Incent service providers to utilize city planned towers
- iv. ROW/SUPs
 1. Streamline SUP process for service providers following the city infrastructure plan for wire line or wireless services
 2. Enhance ROW policy by instituting a mandatory shared conduit system for all service providers for crossing major street intersections
 3. Reduce need and cost for road excavation, moves and repair
- b. City Intranet
 - i. All citizens of Frisco must have access to an email account
 1. Email is the most widely accepted means of exchanging information in a networked community
 2. City to provide an email account and means of access to every citizen of Frisco who wants to be a part of “Virtual Frisco” but is unable to provide their own
 - ii. Establish online Frisco business directory
 1. Stimulate local commerce, B2C and B2B
 2. Must be complete, categorized and searchable with links to business web sites and email
 3. Will enable content initiatives such as coupons, online ordering, online delivery and scheduling
 4. Work with Chamber of Commerce
- c. City Web Services
 - i. Continue to enhance/expand city web site to include services
 1. Online City services (online bill display, utility payments, permits, licenses, etc.)
 2. Public records access and search
 - ii. Web-cast of public meetings (audio and video)
 - iii. Foundation for future personalized portal
- d. Library Initiatives
 - i. Goal is for Library to be the citizen’s first source for and access to reference and education material (search engine and directory)
 - ii. Online search for library materials
 - iii. Online library card registration
 - iv. Online book reservation and article access
 - v. Library access and navigation into FISD activities and lesson plan content
 - vi. EBooks
 - vii. Plays important role in Digital Divide initiative
- e. Digital Divide
 - i. Goal is to Leave No One Behind
 - ii. Community Centers providing broadband internet and email access (Libraries, Senior Center, etc.)

- iii. Provide community forum (Library) for technical literacy program for citizens. Should support ITMP infrastructure, content and application initiatives.
- iv. Bilingual programs

Assistant City Manager Jason Gray was present to address the Council regarding his comments.

Richard Caplan was present and stated that he was extremely pleased with the Information Technology Master Plan.

Audie Adkins was present to address the Council speaking in favor of the IT Master Plan. Ms. Adkins requested the Chamber and other businesses in Frisco that participate in E-Commerce be included in the loop of the IT Master Plan.

Charles Roof was present to address the Council speaking in favor of the IT Master Plan.

Following discussion, Council member Allen moved to adopt **Resolution No. 03-01-16R** therein adopting the Information Technology Master Plan subject to the above staff comments and the immediate focus on hiring of a Director of Information Technology and that all other initiatives would be subject to future approvals. Mayor Pro-Tem Reveal seconded the Motion. Motion carried. Vote: 6-0

In making the motion, it was understood that the City does not intend to implement every potential aspect of the plan. The general consensus of the Council is to wait until the Director of Information Technology is hired and have his/her input for the implementation of the various aspects of the plan.

15. Adoption of an Ordinance amending the City of Frisco Fiscal Year 2003 Budget. (Administrative Services)

Director of Administrative Services Nell Lange was present to address the Council regarding the need to amend the budget. Mayor Pro-Tem Reveal moved to adopt **Ordinance No. 03-01-03** therein amending the City of Frisco Fiscal Year 2003 Budget. Council member Allen seconded the Motion. Motion carried. Vote: 6-0.

16. Acceptance of bid number 0209-039 of McMahan Contracting for \$872,403.80 for Miscellaneous Roadway Repairs and adoption of Resolution authorizing the City Manager to enter into an Agreement for construction services. (Engineering)

City Engineer Frank Jaromin was present to address the Council regarding the miscellaneous roadway repairs. Following discussion, Council member Lafata moved to adopt **Resolution No. 03-01-17R** therein awarding Bid No. 0209-039 to McMahan Contracting for \$872,403.80 for miscellaneous roadway repairs and authorizing the City Manager to execute the agreement for construction service. Council member West seconded the Motion. Motion carried. Vote: 6-0.

17. Approval of an Agreement by and between the City of Frisco and Panther Creek Ventures, Ltd. and adoption of a Resolution authorizing the City Manager to execute the Agreement. (City Manager)

Mayor Pro-Tem Reveal moved to adopt **Resolution No. 03-01-18R** therein approving an Agreement by and between the City of Frisco and Panther Creek Ventures, Ltd. and authorizing the City Manager to execute the agreement subject to the execution of all documents by all parties pertinent to Items 17.18. 21. and the creation the PID in item No. 19. Council member Allen seconded the Motion. Motion carried. Vote: 6-0.

18. Approval of an Agreement by and between the City of Frisco and Independence Partners, Ltd. and adoption of a Resolution authorizing the City Manager to execute the Agreement. (City Manager)

Mayor Pro-Tem Reveal moved to adopt **Resolution No. 03-01-19R** therein approving an Agreement by and between the City of Frisco and Independence Partners, Ltd. and authorizing the City Manager to sign the agreement subject to the execution of all documents by all parties pertinent to Items 17.,18., 21. and creation of the PID in item No. 19. Council member Allen seconded the Motion. Motion carried. Vote: 6-0.

19. Continuation of Public Hearing - Approval upon adoption of a Resolution to create a Public Improvement District for an area south of future Panther Creek Parkway, north of Eldorado Parkway, west of future Coit Road, and east of SH 289. (City Secretary)

Council member West moved to open the Public Hearing. Mayor Pro-Tem Reveal seconded the Motion. Motion carried. Vote: 6-0.

Ken Sloan, speaking on behalf of Panther Creek Ventures, Ltd., was present requesting the PID be approved and requested the approval of the Agreement by and between the City of Frisco and Panther Creek Ventures, Ltd.

Deputy Mayor Pro-Tem Maso moved to close the Public Hearing. Council member West seconded the Motion. Motion carried. Vote: 6-0.

Following discussion, Council member Allen moved to adopt **Resolution No. 03-01-20R** therein creating Public Improvement District No. 1 for an area south of future Panther Creek Parkway, north of Eldorado Parkway, west of future Coit Road, and east of SH 289 subject to the execution of all agreements by all parties. Deputy Mayor Pro-Tem Maso seconded the Motion. Motion carried. Vote: 6-0.

20. Approval of a second amendment to a Development Agreement by and between the City of Frisco and Tiger Lily, L.P. and adopt a Resolution authorizing the City Manager to execute the Agreement. (City Manager)

Mayor Pro-Tem Reveal moved to adopt **Resolution No. 03-01-21R** therein approving a second amendment to a Development Agreement by and between the City of Frisco and Tiger Lily, L.P. subject to (a) final draft and approval of the Agreement by Richard Abernathy and George Purefoy, and (b) subject to approval of all agreements, executed by all parties. Council member Lafata seconded the Motion. Motion carried. Vote: 5-0. Council member West left the meeting prior to the vote.

21. Approval of an Agreement by and between the City of Frisco and Tiger Lily, L.P. and adopt a Resolution authorizing the City Manager to execute the Agreement. (City Manager)

Mayor Pro-Tem Reveal moved to adopt **Resolution No. 03-01-22R** therein approving an Agreement by and between the City of Frisco and Tiger Lily, L.P. and authorizing the City Manager to sign the agreement subject to the execution of all documents by all parties pertinent to Items 17.,18., 21. and creation of the PID in item No. 19. Council member Allen seconded the Motion. Motion carried. Vote: 6-0.

22. Approval upon approval of a Resolution authorizing the City Manager to execute an Agreement by and between the City of Frisco, Collin County Community College District, and The Frisco Cycling Club to maintain and manage the Events & Programs at the Superdome. (Superdome)

Steve Walsh was present to address the Council requesting approval of an Agreement by and between the City of Frisco, Collin County Community College District and The Frisco Cycling Club subject to approval by Collin County Community College District.

Following discussion, Council member Allen moved to adopt **Resolution No. 03-01-23R** therein approving an Agreement by and between City of Frisco, Collin

County Community College District and The Frisco Cycling Club subject to approval by Collin County Community College District and authorizing the City Manager to sign the Agreement. Council member Lafata seconded the Motion.

Ryan Crissie, President of the Frisco Cycling Club, was present to address the Council regarding the agreement. Council member Allen moved to amend his motion to approve the agreement and change in the utility bill to \$3.00 per square foot and subject to staff comments. Council member Lafata seconded the amended motion. Motion carried. Vote: 6-0.

23. Governance Agenda

Monthly Governance Monitoring Reports

Deputy Mayor Pro-Tem Maso had a question on the collection of delinquent taxes, as related to the same period last year. Director of Administrative Services Nell Lange was present to address his concerns and indicated that although the dollar amount was slightly higher, the overall percentage was still well within the accepted standards. Discussion only, no formal action was taken.

24. Approval upon whether to direct staff to submit a written notice of appeal on behalf of the City Council to the Planning & Development Department, pursuant to Article IV, Section 1.07(C) of the Comprehensive Zoning Ordinance and/or Section 4.05 of the Subdivision Regulation Ordinance, regarding action taken by the Planning & Zoning Commission on any site plan or plat. Any written notice of appeal must be submitted to the Planning & Development Department.

Director of Planning John Lettelleir informed the Council there were two plats to be considered. The Council chose not to appeal the decisions.

25. City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda.

- February 1, 2003 Work Session Agenda to be sent to Council for prioritization.

26. Discussion on Governance Monitoring of present City Council Meeting.

Deputy Mayor Pro-Tem Maso stated that the agenda packet agenda was fragmented and hard to review. Discussion only, no formal action was taken.

Deputy Mayor Pro-Tem Maso moved to recess back into Closed Session at 11:25 p.m. for the annual performance evaluation of the City Manager. Council member Lafata seconded the Motion. Motion carried. Vote: 5-0.

Mayor Simpson stated the Council was in Closed Session at 11:25 p.m. as authorized by Texas Government Code, to wit:

Section 551.074. Annual Evaluation of City Manager

Deputy Mayor Pro-Tem Maso moved to reconvene into Regular Session at 12:05 a.m. Council member Lafata seconded the Motion. Motion carried. Vote: 5-0.

27. Adjourn.

There being no additional business, the meeting was adjourned at 12:05 a.m.

E .Michael Simpson, Mayor

ATTEST:

Nan Parker, City Secretary, TRMC/CMC